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2
3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 OMAR ALEXIS SANCHEZ,

11 Defendant.
12
13

Case No: CR 12-0274 SBA

**ORDER ACCEPTING
AMENDED REPORT AND
RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 125

14 On January 17, 2013, the Court referred this matter to Magistrate Judge Westmore
15 ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty
16 plea. Dkt. 103. On January 28, 2013, the Defendant appeared before the magistrate and,
17 with the assistance of counsel, waived his right to enter a guilty plea before a district judge
18 and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 125.
19 The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea
22 agreement to Counts One and Two of the Superseding Information charging Defendant
23 with conspiracy to commit robbery affecting interstate commerce in violation of 18 U.S.C.
24 § 1951(a), and possession of firearms in furtherance of a crime of violence in violation of
25 18 U.S.C. § 924(c)(1)(A)(i) and (2). Id. The magistrate found that Defendant was fully
26 competent and capable of entering an informed plea, that he was aware of the nature of the
27 charges and the consequences of the guilty plea, and that the guilty plea was knowing and
28 voluntary and supported by an independent factual basis. Id.


1 On January 31, 2013, the magistrate issued a Report and Recommendation
2 Regarding Guilty Plea. Dkt. 118. On February 20, 2013, the magistrate issued an
3 Amended Report and Recommendation Regarding Guilty Plea in which she recommends
4 that this Court accept Defendant's guilty plea. Dkt. 125. The Amended Report and
5 Recommendation advises the parties that they may serve and file specific written objections
6 to the order within fourteen days after being served with a copy of the order. Id. To date,
7 no written objections to the Amended Report and Recommendation have been filed.

8 On February 21, 2013, the Court directed the parties to either file a joint brief or
9 separate briefs providing the factual predicate for Defendant's guilty plea as to Counts One
10 and Two of the Superseding Information by March 19, 2013. Dkt. 127. The government
11 filed a supplemental sentencing memorandum on March 19, 2013. Dkt. 132. Defendant
12 did not file a supplemental brief. Having read and considered the supplemental sentencing
13 memorandum filed by the government and being fully informed, the Court hereby finds that
14 a sufficient factual predicate exists to support Defendant's guilty plea as to Counts One and
15 Two of the Superseding Information. Accordingly,

16 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and
17 Recommendation (Dkt. 125) is ACCEPTED, the Defendant's guilty plea is accepted, and
18 the magistrate's Amended Report and Recommendation shall become the order of this
19 Court. IT IS FURTHER ORDERED THAT the sentencing in this matter is scheduled for
20 August 7, 2013 at 10:00 a.m.

21 IT IS SO ORDERED.

22 Dated: 7/10/13

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24 SAUNDRA BROWN ARMSTRONG
25 United States District Judge
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